

REMARKS

Claims 1, 8, 14, 21, 27 and 28 have been amended and claims 5 and 18 have been cancelled without prejudice or disclaimer by this Amendment. Each of the independent claims 1, 8, 14, 21, 27 and 28 have been amended to include the step of soliciting from the first party its' level of satisfaction with the correspondence from the second party or the means for soliciting, respectively.

Applicant respectfully submits that claims 27 and 28 have been amended by replacing the term "module" with "means", accordingly the rejection under 35 USC §112, second paragraph, is now moot.

Applicant respectfully traverses the rejection of claims 1-3, 8-10, 12, 14-16, 22, 23, 27 and 28 under 35 USC §102(e) as being anticipated by Spencer (US-6356909) and the rejection of claims 6, 19 and 25 under 35 USC §103(a) as being unpatentable over Spencer. In this regard Applicant submits that Spencer neither describes nor suggests that which is claimed by the present invention. In particular, Spencer is only directed to a web-based computer system for preparing requests for proposals, responding to questions, and analyzing questionnaires used to identify vendors for products and services. To the contrary, the present invention is directed to a computer-implemented method and system for introducing a first party (e.g., a buyer) to a second party (e.g., a vendor), and facilitates a transaction between the buyer and vendor, as well as solicits from the buyer its' level of satisfaction with the correspondence from the vendor, whereby a marketer can benefit from the knowledge of why a particular transaction succeeds or fails.

Contrary to that which is recited in each of independent claims 1, 8, 14, 21, 27 and 28, as amended hereby, the RFQ or RFP method disclosed in Spencer neither describes nor suggests a step of soliciting from the buyer its' level of satisfaction with the correspondence from the vendor. Since Spencer is not concerned with a method for completing a transaction between a buyer and vendor as recited in the claims of the present invention, i.e., it is only concerned with soliciting Request for Proposals, it would have no interest in trying to determine why a particular transaction succeeds or

fails. That is, since Spencer is not completing a transaction nor is it soliciting from the buyer its' level of satisfaction with the correspondence from the vendor, it does not anticipate that which is recited in the claims of the present invention.

The USPTO provides no authoritative support for its position that one of ordinary skill in the art would have modified the process of Spencer by calculating a fee or commission in order to provide revenue to the host system. This is sheer speculation on the part of the Examiner and is based solely upon impermissible hindsight reconstruction in view of that which is recited in the claims of the present invention. It is critical to note that Spencer does not involve a sale or financial transaction, only an online RFP process, hence there is no motivation in Spencer for a step of determining an amount of compensation due to a host for facilitating a transaction. Accordingly, the rejection of claims 6, 19 and 25 under 35 USC §103(a) is improper and should be withdrawn.

Applicant respectfully traverses the rejection of claims 4, 11, 17 and 24 under 35 USC §103(a) as being unpatentable over Spencer in view of Gusley (US-6725204). Gusley relates to a system for facilitating the sale of products, wherein a host processor compares the offer price with the asking price, and when the offer price meets or exceeds the asking price, notifies the vendor and the purchaser that a sale has been made. Initially, Applicant respectfully submits that Spencer relates only to processing of RFP's and has no teaching whatsoever regarding conducting a sale. Accordingly, there would be no motivation to add the teaching of Gusley to the RFP process of Spencer, absent impermissible hindsight reconstruction based upon the teachings of the present invention. The USPTO has failed to provide any motivation for combining these two reference.

More importantly, however, is that fact that Gusley does not overcome the substantial deficiencies of Spencer discussed above, i.e., neither Gusley nor Spencer, either alone or in combination, describe or suggest the step of soliciting from the buyer its' level of satisfaction with the correspondence from the vendor, as claimed in the present invention.

Applicant also respectfully traverses the rejection of claims 7, 13, 20 and 26

under 35 USC §103(a) as being unpatentable over Spencer in view of Kaufeld et al. (US-5859967). Initially, Applicant points out that Kaufeld et al. is related to a completely non-analogous art of converting an email message to a facsimile message than the RFP process taught by Spencer. One skilled in the art of preparing electronic RFP's would under no circumstances look to the email-to-fax conversion system of Kaufeld et al. to make obvious that which is recited in claims 7, 13, 20 and 26. Moreover, there is no motivation in Spencer that would suggest to one skilled in the art to add a translation module to the RFP process of Spencer. This rejection is clearly an instance of impermissible hindsight reconstruction based upon that which is recited in the present invention.

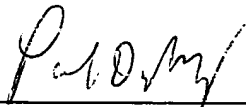
More importantly, however, is that fact that Kaufeld et al. does not overcome the substantial deficiencies of Spencer discussed above, i.e., neither Kaufeld et al. nor Spencer, either alone or in combination, describe or suggest the step of soliciting from the buyer its' level of satisfaction with the correspondence from the vendor, as claimed in the present invention.

Consideration and allowance of application is respectfully requested.

Respectfully submitted,

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Date



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